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Mandatory classification of hotels and other tourism industry facilities in Russia

On 5 February 2018, Federal Law No. 16-FZ on the introduction of amendments to the Federal Law 'On the Fundamental Principles of Tourist Activities in the Russian Federation' and the Code of the Russian Federation 'On Administrative Offenses' was signed ('Law No. 16-FZ'). Law No. 16-FZ provides, inter alia, for obligatory classification of hotels, ski trails, and beaches and is aimed at improving the legal regulation in the provision of hotel services.

A hotel is defined as a place of accommodation, where hotel services are provided and which refers to one of the hotels types provided for in the regulations on hotel classification approved by the Government of the Russian Federation. At the same time, accommodation facilities used for the main activities of recreation and children's health care organisations, medical organisations, social services, sports and sports organisations, and centralised religious organisations are not deemed hotels.

Classification of Tourist Facilities

Hotels will be classified by referring to certain categories established by the classification regulations approved by the Government of the Russian Federation, based on the assessment of the hotels and hotel services in terms of compliance with the requirements provided for by the said regulations.

The requirements for the classification of tourist facilities do not apply to accommodation facilities where no hotel services are provided, including those used for the activities of recreation and children's health care organisations, medical organisations, social services, sports and sports organisations, and centralised religious organisations, as well as camping sites and hostels.

Ski trails and beaches, in turn, will be classified according to the classification regulations approved by the competent federal executive authority (hereinafter - the 'competent authority') based on the assessment of the ski trails and beaches in terms of compliance with the requirements established by such regulations.

Classification of hotels, ski trails and beaches will be performed by organisations accredited by the competent authority. The Government of the Russian Federation will approve, inter alia, the procedure for monitoring the activities of accredited organisations, procedure for the termination of accreditation certificates, the re-registration of accreditation certificates and form of accreditation certificates.

A category certificate of a hotel, ski trail or beach will be valid for three years from the date of the decision to assign a certain category to the relevant facility.

The competent authority will maintain a uniform list of classified hotels, ski trails, beaches, and publish the information contained therein on its official website.

A person that provides hotel services shall be obliged to communicate to the consumers in a clear and accessible form the information on the assigned category (including the certificate number), on the accredited organisation that issued the certificate, as well as on suspension of the categorisation certificate of the hotel.

Starting from 1 July 2019, the provision of hotel services without the category certificate, as well as use in advertising, name of the hotel and activities related to the use of such a facility of the category not corresponding to the one specified in the certificate shall be prohibited and involve administrative liability.

From 1 January 2019, the use in advertising, name of a ski trail or a beach and activities related to the use of such facilities of any category in the absence of a category certificate, as well as a category not corresponding to that specified in the certificate shall be prohibited and involve administrative liability

Category Certificate

Operators of hotels, ski trails and beaches will be able to obtain the category certificates for the respective facilities according to the new procedure starting from 1 January 2019. The certificates issued before this date by organisations accredited according to the procedure approved by the Ministry of Culture will be valid until the expiry of their validity. (Currently, category certificates must be obtained by hotels in the cities where the 2018 FIFA World Cup will be held.)

A category certificate of a hotel, ski trail or beach can be suspended for a period of not more than 90 days, in particular, when an accredited organisation that issued the certificate establishes:

- unreliable information in the documents submitted by the person that provides hotel services or services related to the use of ski trails or beaches for classification purposes;
- non-compliance of the hotel and(or) hotel services provided therein with the requirements to the hotel category established by the regulations on hotels classification, based on a complaint from a consumer or a reasoned statement by the Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (Rospotrebnadzor) official on violations of consumer rights in the provision of hotel services;
- non-compliance of the ski trail or beach with the requirements to the ski trail or the beach category specified in the respective certificate, based on a complaint from a consumer or a reasoned statement by the Rospotrebnadzor's official on violations of consumer rights in the provision of the services.

If during the period of suspension of the category certificate for a hotel, ski trail or beach suspension the circumstances of such suspension are not eliminated, the category certificate may be terminated.

Administrative Liability

Pursuant to the Administrative Code of the Russian Federation (as amended by the Law No.16-FZ), the provision of hotel services without the respective category certificate as established by the regulation on the hotels classification, or the use in advertising, name of the hotel or activities related to the use of the hotel of a category not corresponding to the category indicated in the certificate shall involve: a warning or an administrative fine on officials in the amount of up to 50 thousand roubles; on legal entities - up to 1/25 of the total amount of the proceeds from the sale of all goods (work, services) for a calendar year preceding the year in which the administrative offence was revealed, but not less than 50,000 roubles.

Different terms for the entry into force of the above provisions on administrative responsibility are established depending on the size of the hotel room capacity:

- over 50 hotel rooms - from 1 July 2019;
- over 15 hotel rooms - from 1 January 2020;
- for all hotels - from 1 January 2021.

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Contacts:

Yana Dianova

Director of the Corporate and Commercial Law Department, GRATA International (Moscow)

T.: +7 (495) 660 1184

E.: ydianova@gratanet.com

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РЕСЕЙ

Маңызды байланыстар



Yana Dianova

Counsel, Corporate and Commercial

📍 Москва, Ресей

☎ +7 495 660 1184

☎ +7 906 734 6817

✉ ydianova@gratanet.com